

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
April 2000

3. Post-Closure Permit Renewals

Owners and operators of land-based units receiving waste after July 26, 1982, or certifying closure according to 40 CFR Section 265.115 after January 26, 1983, must obtain a post-closure permit, unless they demonstrate closure by removal or decontamination as provided under Section 270.1(c)(5) and (6) or obtain an enforceable document in lieu of a post-closure permit under Section 270.1(c)(7) (Section 270.1(c)). RCRA permits have a fixed term not to exceed 10 years (Section 270.50(a)). However, the post-closure care period lasts for 30 years after completion of closure, unless the Regional Administrator shortens or extends the post-closure care period in accordance with Sections 264/265.117(a)(2) (Sections 264/265.117(a)(1)). Must owners and operators renew post-closure permits during the post-closure care period?

Owners and operators of land-based units that receive post-closure permits must renew their permits every 10 years during the post-closure care period. Section 3005(c)(3) of RCRA requires that all permits shall be for a fixed term, not to exceed 10 years. Congress enacted this provision to ensure that facilities are periodically reviewed and requirements for them are updated to reflect the current state of the art (50 FR 28702, 28722; July 15, 1985). The term of a RCRA permit cannot be extended by modification beyond 10 years, except for the continuation of an expiring permit as provided under Section 270.51 (Section 270.50(b)). The owner and operator needs to submit only the information specified in Section 270.28 for the post-closure permit renewal, unless the permitting agency requires additional information.